

Assembly Bill No. 1943

CHAPTER 367

An act to amend Section 71011 of, and to add Section 71031 to, the Public Resources Code, relating to environmental protection, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1996. Filed with
Secretary of State August 19, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1943, Bordonaro. Environmental protection: general permits.

(1) Under existing law, the California Environmental Protection Agency is administered by the Secretary for Environmental Protection. Specified state agencies are established within the agency.

Existing law, the Environmental Protection Permit Reform Act of 1993, among other things, requires the secretary to establish an administrative process which may be used, at the request of a permit applicant, to designate a consolidated permit agency, as defined, for projects that require permits from 2 or more environmental agencies, as defined.

This bill would include specified certified unified program agencies under the unified hazardous waste and hazardous materials management regulatory program as an environmental agency for purposes of the law.

The bill would authorize specified state environmental agencies to adopt a process to precertify equipment and processes as being in compliance with any laws and regulations applicable to the state environmental agency.

The bill would require a state environmental agency which adopts regulations, to the extent feasible and appropriate, to adopt standardized permits, as defined, to incorporate equipment and processes precertified pursuant to the bill. Where applicable, the state environmental agencies would be required to include, as part of their precertification, a model standardized permit ordinance that local environmental agencies may adopt.

The bill would also authorize local environmental agencies, as defined, to adopt standardized permits to incorporate equipment and processes precertified, as provided in this bill. The bill would prescribe related matters.

(2) The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 71011 of the Public Resources Code is amended to read:

71011. “Environmental agency” means any of the following:

(a) The Department of Toxic Substances Control, the Department of Pesticide Regulation, the State Air Resources Board, the State Water Resources Control Board, the California Integrated Waste Management Board, and the Office of Environmental Health Hazard Assessment.

(b) A California regional water quality control board.

(c) A district, as defined in Section 39025 of the Health and Safety Code.

(d) An enforcement agency, as defined in Section 40130 of the Public Resources Code.

(e) A county agricultural commissioner with respect to his or her administration of Divisions 6 (commencing with Section 11401) and 7 (commencing with Section 12501) of the Food and Agricultural Code.

(f) The local agency responsible for administering Chapter 6.7 (commencing with Section 25280) of the Health and Safety Code concerning underground storage tanks and any underground storage tank ordinance adopted by a city or county.

(g) The local agency responsible for the administration of the requirements imposed pursuant to Section 13370.5 of the Water Code.

(h) A certified unified program agency as provided in Chapter 6.11 (commencing with Section 25404) of Division 20 of the Health and Safety Code.

(i) Any other state, regional, or local permit agency for the project that participates at the request of the permit applicant upon the permit agency’s agreement to be subject to this division.

SEC. 2. Section 71031 is added to the Public Resources Code, to read:

71031. (a) Each state environmental agency, as defined in subdivisions (a) and (b) of Section 71011, in consultation and coordination with all interested parties, may adopt a process to precertify equipment and processes as being in compliance with any laws and regulations applicable to the state environmental agency. The secretary shall ensure that, to the extent one or more state environmental agencies adopt regulations pursuant to this section, the regulations are standardized and coordinated in the most efficient and effective manner feasible.

(b) If a state environmental agency adopts regulations pursuant to subdivision (a), it shall, to the extent feasible and appropriate, adopt standardized permits to incorporate equipment and processes precertified pursuant to subdivision (a). Where applicable, the state



environmental agencies shall include, as part of their precertification, a model standardized permit ordinance that local environmental agencies may adopt.

(c) Local environmental agencies, as defined in subdivisions (c) to (h), inclusive, of Section 71011, may adopt standardized permits to incorporate equipment and processes precertified pursuant to subdivision (a). Nothing in this section shall limit the ability of a local environmental agency to adopt additional requirements as part of the standardized permit to meet local health and safety concerns.

(d) For purposes of this section, a “standardized permit” means a permit for pollution sources or activities that are the same or similar in their nature, and which require the submission of the same or similar information for purposes of issuing, monitoring, and enforcing permit requirements.

(e) Nothing in this section shall result in the reduction or elimination of environmental or public health protection or public participation, as provided under all applicable laws, in the issuance of any permit authorized by this section.

(f) Any environmental agency may charge a reasonable fee for costs incurred pursuant to this section, not to exceed estimated reasonable costs. Any fee shall be subject to Section 57001 of the Health and Safety Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to reduce the existing burdens of the permitting process on businesses in this state, it is necessary that this act take effect immediately as an urgency statute.

